

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:25CR166
	)	
Plaintiff,	)	
	)	JUDGE BRIDGET MEEHAN BRENNAN
v.	)	
	)	
CHINEDU OPUTE,	)	<u>SUPPLEMENTAL MOTION TO REVOKE</u>
	)	<u>MAGISTRATE JUDGE’S ORDER</u>
Defendant.	)	<u>GRANTING BOND WITH</u>
	)	<u>MEMORANDUM IN SUPPORT</u>

The United States of America, by and through counsel, Carol M. Skutnik, Acting United States Attorney, and Megan R. Miller, Assistant United States Attorney, respectfully submits this memorandum in support of its motion to revoke the Magistrate Judge’s Order granting bond for Defendant Chinedu Opute.

Pursuant to Title 18, United States Code, Section 3145: “If a person is ordered released by a magistrate, or by a person other than by the judge of a court having original jurisdiction over the offense . . . the attorney for the government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release.” 18 U.S.C. § 3145(a)(1). Upon such a motion by the government, the district court conducts a *de novo* review of the magistrate judge’s order “and must make an independent determination of the proper pretrial detention or conditions for release.” *United States v. Amir*, No. 1:10CR439, 2011 WL 2711350, at \*3 (N.D. Ohio July 13, 2011) (quoting *United States v. Rueben*, 974 F.2d 580, 585 (5th Cir. 1992)); *see also United States v. Williams*, No. 4:22CR257 (N.D. Ohio June 29, 2022).

## **I. BACKGROUND**

### *A. Overview*

Over the course of several years, Opute and his coconspirators orchestrated a series of business email compromise schemes, in which the conspirators obtained unauthorized access to victims' email accounts, caused the victims and their respective financial institutions to send money to accounts that the conspirators controlled, and benefitted from the ill-gotten gains. For his part, Opute often controlled the bank accounts and directed the bank account information to which the victim funds were sent. He accessed these accounts to load the stolen funds onto pre-paid debit cards that were in the names of real people but that the conspirators controlled. And he withdrew his share of the funds in cash from ATMs in the greater Atlanta, Georgia area. Opute and his coconspirators stole over \$1.1M from Victims 1, 2 and 3 in the Indictment alone.

### *B. Facts Relevant to Detention*

In June of 2023, employees of Victims 1, 2, and 3 received fraudulent emails purporting to come from a third party with whom each respective victim had previously conducted business. The fraudulent emails requested large, lump sum payments to what appeared to be JP Morgan Chase bank accounts, but were in fact PRN, or pass-through, accounts to Airwallex, a registered money services business. As such, once the victim funds hit the Chase account, they were automatically transferred to an Airwallex account ending in x033e1. This Airwallex account was opened in April 2023 in the name of Overseas Dry Food Supply ("ODFS") by an individual named "Angel Adames" and using a unique cell phone number (the "Adames Cell Phone").

On February 16, 2024, Magistrate Judge James E. Grimes, Jr. of the Northern District of Ohio issued a warrant authorizing the disclosure of historical and prospective cell phone location data for the Adames Cell Phone. Based on historical ping data from February 2023 through

February 2024, the Adames Cell Phone pinged around a residential property located at 6753 Prelude Drive, Sandy Springs, Georgia (“Prelude Drive”). According to Fulton County, Georgia, property records, Opute purchased Prelude Drive in February 2023.

FBI surveilled Opute at Prelude Drive and compared it to the current ping data. For example, on March 13, 2024, the FBI observed Opute arrive at Prelude Drive at 10:36a.m. driving a gold Range Rover that was newly purchased in March 2024 and registered to Opute. At 10:18a.m. that day, the Adames Cell Phone pinged in the Buckhead area of Atlanta. At approximately 10:33a.m. and 10:48a.m., the Adames Cell Phone began pinging in the area surrounding Prelude Drive. Buckhead is approximately 15 minutes away from Prelude Drive, which is consistent with the Adames Cell Phone’s arrival at Prelude Drive around 10:33a.m. FBI also observed Opute driving the Range Rover to or from Prelude Drive on at least four separate occasions between March 26, 2024 and April 30, 2024.

On August 19, 2024, Magistrate Judge Regina D. Cannon of the Northern District of Georgia issued a warrant authorizing a premises search of Prelude Drive. Immediately before executing the search warrant, at approximately 6:25a.m., FBI agents called Opute on his known phone number and asked him to exit Prelude Drive. Opute answered the phone and briefly spoke with the agent. Opute, a woman (referred to herein as Y.A.), and a minor child then exited the house.

Opute was interviewed in connection with the search warrant. Of note, Opute confirmed that he owned Prelude Drive. Investigators likewise found substantial indicia that Opute resided at Prelude Drive, including multiple records in Opute’s name, bank account statements, receipts, and portions of Opute’s immigration file. There were also numerous credit cards in Opute’s name in various locations in the house. And FBI located two distinct articles of clothing seen on

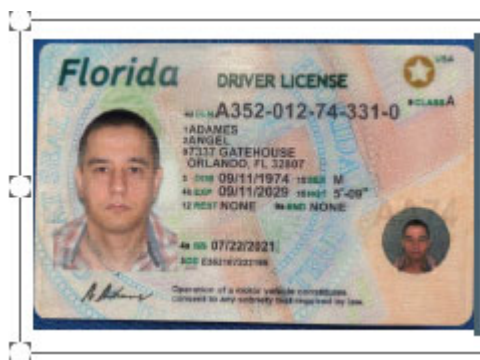
Opute in ATM surveillance footage, including the sweatshirt depicted in the surveillance footage below:



During the interview, Opute was shown a list of addresses that specifically included “224 Rutland Circle” and asked if he recognized any of them. Opute denied recognizing this address. Opute also stated that he stayed at Prelude Drive but moved around between AirBnB properties that he owned, which he indicated were located in in the Buckhead, Georgia area. Opute denied knowing the names Angel Adames or ODFS. He likewise indicated that he could not recognize the individual depicted above because he was “wearing a mask.” FBI seized a number of electronic devices at the search, including several phones and laptops. Opute refused to share the passcodes or passwords for any of these devices and refused to say which phone he used or answered when the agents dialed his number that morning. According to subsequent FBI analysis, one of the phones had been “factory reset” at approximately 6:29a.m. that morning.

Following the execution of the search warrant, Opute sold Prelude Drive on September 30, 2024. He also sold the Range Rover and canceled the business registration for Vux Mark LLC with the Georgia Secretary of State in October 2024.

In October 2024, following the Prelude Drive search warrant, the government sought and obtained a warrant from Magistrate Judge James E. Grimes, Jr. of the Northern District of Ohio authorizing the search of an Apple iCloud account belonging to Opute. The iCloud account contained numerous communications between Opute and coconspirators that displayed bank account information, stolen identities, fake company names, and otherwise discussed the fraud schemes. Opute had a photo of a fake driver's license in the name of Angel Adames, as shown below, stored in his iCloud account:



And in one conversation, a coconspirator asked Opute “Na u be angel adams?” to which Opute replied “Yes.”

In an effort to ascertain Opute’s whereabouts leading up to Indictment, the government sought and obtained another warrant from Magistrate Judge James E. Grimes, Jr. of the Northern District of Ohio on March 6, 2025, authorizing the disclosure of prospective cell phone location data for one of Opute’s known T-Mobile numbers. Unlike the previous ping pattern, Opute turned this phone on and off with great frequency, making it more difficult for investigators to ascertain Opute’s precise location at any given time. When the phone was on, however, it was located around two areas of the greater Atlanta area—Buckhead/Lenox Square and Marietta—from March 13, 2025, to April 25, 2025.

*C. Opute's Indictment and Arrest*

On April 16, 2025, a federal grand jury in the Northern District of Ohio returned a secret Indictment against Opute charging him with one count of conspiracy to commit wire fraud and bank fraud in violation of 18 U.S.C. § 1349; two counts of wire fraud in violation of 18 U.S.C. §§ 1343 and 2; one count of conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h); and four counts of aggravated identity theft in violation of 18 U.S.C. §§ 1028A(a)(1) and 2. On April 29, 2025, Opute was pulled over for a traffic violation in Sandy Springs, Georgia and arrested on the outstanding federal warrant. Opute had multiple cell phones in his possession when arrested.

*D. Opute's Detention Hearing*

Magistrate Judge Justin S. Anand of the Northern District of Georgia held a detention hearing the following day. Concerningly, based on undersigned counsel's review of the Pretrial Services Report ("PSR") prepared for the hearing<sup>1</sup> as well as Opute and defense counsel's representations at the hearing, Opute appears to have made several false and misleading statements and omissions to the pretrial services officer before his detention hearing.

The Residence

Opute provided the following information for his "address" on the PSR: 225 Rutland Circle, LaGrange, GA 30241.<sup>2</sup> He further indicated that he had lived at that address since February 2022. Opute specifically did not disclose the Prelude Drive address on the PSR and

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<sup>1</sup> Because the PSR is not a public record, and consistent with the admonition contained on the PSR, the government is not attaching the PSR to its memorandum. Of course, the government will provide a copy to the Court if the Court so requests.

<sup>2</sup> While the pretrial report says 225 Rutland Circle, the United States believes the correct address is 224 Rutland Circle.

only attempted to explain its existence once the government informed the court at the detention hearing about the Prelude Drive location and the search warrant. According to Opute's counsel at the detention hearing, Opute was at the Prelude Drive address because he fathered a child out of wedlock with the woman who lives there and is attempting to support the woman and child. While the government does believe that Opute has such a relationship—Y.A. and the child were present at the search warrant execution, along with indicia of their daily living—the argument that Opute primarily resides at Rutland Circle in LaGrange rings hollow for multiple reasons.

First, historical ping data for the Adames Cell Phone in Opute's possession between February 2023 and February 2024 places him consistently in the Sandy Springs area of Georgia—where Prelude Drive is located—not LaGrange. Indeed, LaGrange is approximately 80 miles from Sandy Springs, eliminating any possibility of proximal confusion between the two. Continuing into March of 2024, pings from the Adames Cell Phone not only remained consistent with the Prelude Drive location, but also with Opute's observed movements in Sandy Springs and at Prelude Drive.

Opute likewise was present at Prelude Drive at 6:25 in the morning in August 2024 when the FBI executed its search warrant. They observed Opute's clothing, saw his personal documents, and evidenced his patterns of daily living. They also seized numerous cell phones and laptops, all of which Y.A. confirmed belonged to Opute. When asked about the Rutland Circle address—the same address at which Opute has now purportedly lived since February 2022—he denied recognizing it. Rather, he explained that he stayed at Prelude Drive but moved around between AirBnB properties that he owned, which he indicated were in the Buckhead, Georgia area. Like Sandy Springs, Buckhead is approximately 80 miles away from LaGrange.

What is more, in the month immediately preceding his arrest, the pings on Opute's T-Mobile phone were located around Buckhead/Lenox Square and Marietta. Marietta, like Buckhead and Sandy Springs, is also approximately 80 miles from LaGrange. From March 13, 2025, through April 25, 2025, Opute's phone never pinged in the LaGrange, Georgia area.

Finally, Opute told that the pretrial services officer that, if released on bond, he would like to return to Rutland Circle to reside with his wife, Alexis Dunn. But the FBI interviewed Ms. Dunn on August 22, 2024, and she indicated that Opute lives and works in Atlanta, Georgia, and merely uses Dunn's address as his permanent address.

#### Legal Status in the United States

Opute also indicated in the PSR that he became a legal citizen of the United States in 2019. Not true. Opute is a citizen of Nigeria and lawful permanent resident of the United States. At the detention hearing, defense counsel indicated that Opute was confused by the question and may have intended to indicate simply that he was not in the United States illegally. According to U.S. Citizenship and Immigration Services records, however, Opute applied for naturalization in September 2022 and was denied. He appealed this decision in December 2023 and was denied again on August 25, 2024. Given that Opute was represented by counsel during this process, the government finds it difficult to believe that Opute would be confused by, or otherwise not know, his status in the United States. Indeed, investigators found a portion of Opute's immigration file while searching the Prelude Drive residence, suggesting that Opute was actively monitoring and aware of the progress of his immigration proceedings.

#### Employment Status

Opute indicated in the PSR that he has been employed at Vux Worldwide since January 2018, earning \$2,500 per month. Throughout this investigation, FBI investigators have been



unable to locate any bank accounts in the name of Vux Worldwide. They identified one account for Vux Mark LLC, an entity that, according to Georgia Secretary of State records, Opute created in October 2023. That bank account had approximately \$14,000 in total activity between October 2023 and August 2024, suggesting that these are not legitimate entities that could sustain a \$2,500 per month salary. Moreover, based on an FBI analysis of Opute's financial records, Opute has no consistent payroll deposits from January 2019 to April 2024 to suggest regular employment-related income. Instead, he primarily receives cash deposits, but those amounts far exceed the \$2,500 per month that he reported, including deposits of up to \$55,000. Finally, the address that Opute lists for Vux Worldwide is a residential townhouse at which Opute appeared to reside before moving to Prelude Drive. Indeed, when interviewed, Opute confirmed that he sometimes stayed at that location but never connected it to any type of employment.

#### Foreign Travel

Perhaps most troublingly, Opute lied about leaving the country, telling the pretrial services officer that he has not traveled outside of the United States since 2011. But Opute's actual foreign travel history tells a different story. According to official border crossing records from U.S. Customs and Border Protection, Opute has traveled outside of the United States at least eight times, including as recently as January 2024:

<b>Traveler</b>	<b>To Date</b>	<b>Return Date</b>	<b>Travel To</b>	<b>Description</b>
Chinedu Opute	4/13/2013	8/28/2013	Lagos, Nigeria	Round Trip
Chinedu Opute	3/27/2021	3/29/2021	Nassau, Bahamas	Round Trip
Chinedu Opute	7/26/2021	8/15/2021	Lagos, Nigeria	Round Trip
Chinedu Opute	9/12/2021	9/21/2021	Paris/Amsterdam	Travel to Paris, Return from Amsterdam
Chinedu Opute	12/17/2021	1/19/2022	Ethiopia/Nigeria	Travel to Ethiopia, Return from Nigeria

<b>Traveler</b>	<b>To Date</b>	<b>Return Date</b>	<b>Travel To</b>	<b>Description</b>
Chinedu Opute	9/2/2022	11/2/2022	Cancun/Nigeria	Travel to Cancun, Return from Nigeria
Chinedu Opute	11/30/2022	12/3/2022	Cape Verde/Nigeria	Travel to Cape Verde, Return from Nigeria
Chinedu Opute	12/27/2023	1/1/2024	Lagos, Nigeria	Round Trip

Defense counsel did not deny the veracity of Opute's travel at the hearing.

At the detention hearing, the government proffered the information concerning Opute's Prelude Drive residence, accurate immigration status, and history of undisclosed foreign travel to the magistrate judge. The government also proffered Opute's strong personal and financial ties to Nigeria, including his frequent communications with telephone numbers beginning the Nigerian country code (+234) and his Nigerian assets, which include business interests, property, and vehicles. The magistrate judge ordered Defendant released on bond with a GPS location monitoring condition.

## **II. ARGUMENT**

The United States maintains that there are no condition or combination of conditions that will reasonably assure Opute's appearance.

The nature and circumstances of the offense charged weigh in favor of detention. Opute used the alias "Angel Adames" to facilitate his financial crimes. Using this assumed identity, he formed entities, opened bank accounts, registered business addresses, obtained cell phone services, and took countless other steps to further his schemes all while attempting to insulate himself from criminal exposure.

In addition to his own alias, Opute had a bevy of stolen identities at his disposal. As the following conversation illustrates, Opute regularly sent and received WhatsApp messages

demonstrating his access to, and control over, bank accounts in the names of fake, stolen or altered identities, which he used to receive and launder the stolen funds.

	<b>Date</b>	<b>Sender</b>	<b>Recipient</b>	<b>Text or Description</b>
a	June 20, 2023	Coconspirator	Defendant	"Need drop for Ach(open) for 800k due on 27th so I wan run am early enough. . Yankee 2 yankee" [discussion about anticipating an \$800,000 deposit transferred between U.S.-based banks]
b	June 20, 2023	Defendant	Coconspirator	"Let's run"
c	June 20, 2023	Defendant	Coconspirator	"I guarantee you"
d	June 20, 2023	Coconspirator	Defendant	"Send full details"
e	June 20, 2023	Coconspirator	Defendant	"Bank name , Ach routing, Account number and bank address"
f	June 21, 2023	Defendant	Coconspirator	Screenshot depicting account details for Chase account ending in x0865 in the name of ODFS
g	June 23, 2023	Defendant	Coconspirator	"To account closed"
h	June 23, 2023	Defendant	Coconspirator	"This morning"
i	June 23, 2023	Defendant	Coconspirator	"Will have to past u another"
j	June 23, 2023	Defendant	Coconspirator	Same text as immediately above accompanied by screenshot depicting account details for "[Entity 2]" account ending in x5845 at Chase
k	June 23, 2023	Defendant	Coconspirator	"Use this one"
l	June 23, 2023	Coconspirator	Defendant	"Ok"

Opute also loaded the stolen funds onto prepaid cards that the conspirators controlled in the names of real people and synthetic entities. Opute's use of these fake identities helped him hide his identity and distance himself from efforts to recover the stolen proceeds. Opute now may similarly convert this ready access to other people's identities and financial information not only flee from law enforcement under an assumed name but to obtain the financial means by which to do so. And his finances indicate that he operates primarily in cash, leaving little, if any, financial trail to follow if he does.

Indeed, Opute did flee once he learned that the government was investigating him. As an initial matter, Opute undertook to destroy evidence on the day of the search warrant, factory-resetting his phone within minutes of the FBI's arrival. Then, within a month of executing the

search warrant, he sold the Prelude Drive residence. Given the many moving parts involved in selling a home, it is reasonable to believe he put this process in motion almost immediately after the search warrant. Opute also sold his brand-new Range Rover—newly purchased in March 2024—the following month. These actions demonstrate Opute’s efforts not only to hide his whereabouts from law enforcement but also to liquidate assets that could be used for flight, positioning himself to flee at a moment’s notice in the now-certain event that he would be charged. And while true that Opute did not immediately leave for Nigeria, he nonetheless fled within Georgia—abandoning his then-current residence at Prelude Drive and changing his patterns of behavior in the apparent hope that law enforcement subsequently would not be able to locate him. This is further evident in the changed pattern of Opute’s cell phone use where—unlike for the Adames Cell Phone, when he was unaware that investigators were tracking him—he continuously turned his T-Mobile cell phone on and off to frustrate efforts to locate him in the month leading up to his arrest. The nature of Opute’s crimes—and his actions once he knew that the government had discovered them—weigh in favor of detention.

Further, the weight of the government’s evidence in this case is strong. Opute’s iCloud account contains videos, screenshots, and communications displaying and discussing bank account information used in the BEC schemes. He was captured on ATM surveillance video withdrawing stolen funds from the victims. His actions and statements demonstrate consciousness of guilt. Yet unfortunately, it appears from the government’s review of evidence in this case that Opute has continued to engage in these types of fraud schemes since the execution of the search warrant (and, in fact, was arrested with numerous phones in his vehicle), all of which, while strengthening the government’s case, suggest a need to prevent additional financial harm.

Opute's history and characteristics likewise weigh in favor of detention. Opute is a Nigerian citizen with strong, current personal and financial ties to the country. He has a Nigerian passport and a history of traveling to Nigeria as recently as January 2024—one of many facts he conveniently failed to disclose to the pretrial services officer. The government is aware from Opute's iCloud account that he frequently communicates with WhatsApp and other telephone numbers beginning with the known Nigerian country code (+234). At least one of these individuals appears to be a Nigerian law enforcement officer, further making efforts to secure Opute's appearance from Nigeria difficult, if not impossible. Opute also has significant assets, including business interests, property, and bank accounts, in Nigeria, that he could liquidate or otherwise access to assist his flight.

Defendant also has a demonstrated history of engaging in obstructionist behavior—most recently at the detention hearing. Opute factory reset his iPhone three minutes after the FBI arrived at Prelude Drive and announced its presence. He refused to provide passwords for any of the electronic devices found during the search. He denied knowing the names Angel Adames or ODFS during his interview. He sold his house the month after the search (and his Range Rover the following month) and became whereabouts unknown. He changed how he used his cell in an apparent effort to avoid detection. And, when he is finally brought to court, he made numerous false statements to the pretrial officer aimed at obfuscating and hiding his actions. While perhaps one these falsehoods could be chalked up to confusion or misunderstanding, the sheer number of them—on such obvious and material topics as his residence, employment, and foreign travel—suggests nothing less than intentional conduct. So while the Magistrate Judge ordered GPS location monitoring as a condition of Opute's release, the government has no confidence that such monitoring is sufficient to ensure Opute's appearance given his successful and

sophisticated efforts to evade law enforcement before his arrest and his continued misrepresentations and omissions about the very condition—his location—that needs addressed.

### **III. CONCLUSION**

Considering all of the § 3142(g) factors and evaluating the evidence as a whole, there is no condition or combination of conditions that will reasonably ensure Defendant's appearance as required. As such, Defendant should be detained pending trial in this case. Accordingly, the United States respectfully requests that this Court revoke the Magistrate Judge's Order granting bond to Defendant.

Respectfully submitted,

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